

Message Text

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FM AMEMBASSY OSLO
TO SECSTATE WASHDC 0030
INFO AMEMBASSY BONN

C O N F I D E N T I A L SECTION 1 OF 2 OSLO 2824

EXDIS

FROM AMBASSAODR TO HARTMAN

E.O. 11652: GDS
TAGS: PLOS, PFOR, UR, NO
SUBJECT: NORWEGIAN/SOVIET CONTINENTAL SHELF DELIMITA-
TION TALKS

REFS: (A) STATE 144165 (B) OSLO 2153

SUMMARY: WE HAVE DELAYED COMMENTING ON REFTEL INQUIRY
UNTIL I COULD PROBE WITH FOREIGN MINISTER FRYDELUND
HINT WE RECEIVED AT LOWER LEVEL IN FORMIN OF NORWEGIAN
INTEREST IN HOLDING BROAD RANGING TALKS ON THE ARTIC
AT EXPERT LEVEL. HIS COMMENTS ONLY CONFIRM OUR STRONG
IMPRESSION THAT GERMANS ARE UNDULY ALARMED AT THIS
STAGE OVER STATUS OF NEGOTIATIONS BETWEEN NORWEGIANS
AND SOVIETS OVER BARENTS SEA CONTINENTAL SHELF DELIMI-
TATION. WHILE NORWEGIANS NOW ADMIT SOVIET EMBASSY
HERE INFORMALLY SUGGESTED PACKAGE PROPOSAL LAST YEAR
FOR OVERALL BARENTS SEA SETTLEMENT, ALONG LINES WE
HAVE SPECULATED, THEY APPEAR DETERMINED TO PRESS
WHEN TALKS RESUME THIS AUTUMN FOR SETTLEMENT BASED ON
MEDIAN-INE PRINCIPLE, AS PREREQUISITE FOR ANY BROADER
DISCUSSIONS. NORWEGIAN NEGOTIATOR DOES NOT EXPECT
ANY REAL MOVEMENT BEFORE COMPLETION OF NEXT LOS CON-
FERENCE SESSION IN MARCY 1976 AS SOVIETS BELIEVE
LOS TREATY COULD STRENGTHEN THEIR SHELF CASE.
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NORWEGIANS FEEL UNDER SOME TIME PRESSURE, THEREFORE,

IN CONTINENTAL SHELF NEGOTIATIONS AND ARE ALSO RESISTING PRESSURE FROM FISHING INTERESTS EITHER TO EXTEND FISHING LIMITS OR TO ASSERT A 200 MILE ECONOMIC ZONE. WHILE WE BELIEVE TRADITIONAL NORWEGIAN CAUTION WILL PREVAIL AND NO ACTION WILL BE TAKEN BEFORE NEXT YEAR, I ALSO THINK WE SHOULD TAKE ADVANTAGE OF INTEREST EXPRESSED BY FRYDELUND TO ME LAST WEEK IN ORGANIZATION OF OFFICIAL MEETING BETWEEN US AND NORWEGIAN EXPERTS ON SUBJECTS OF MUTUAL INTEREST, INCLUDING DEVELOPMENTS IN ARTIC. FRYDELUND INDICATED HE HAD DISCUSSED GENERAL IDEA OF BILATERAL TALKS WHEN HE SAW SECRETARY IN PARIS AND HOPES TO FOLLOW UP WITH THE SECRETARY AT UNGA, IF NOT EARLIER. SINCE PARIS, HOWEVER, HIS IDEAS HAVE DEVELOPED FURTHER, INFLUENCED BY MEETING WITH UK FOREIGN SECRETARY CALLAGHAN LAST MONTH WHEN THEY DECIDED TO CONVENE BILATERAL EXPERT MEETING BETWEEN UK AND NORWEGIAN EXPERTS TO REVIEW ARCTIC ISSUES OF COMMON CONCERN IN LATE SEPTEMBER-EARLY OCTOBER. FRYDELUND NOW FAVORS SIMILAR TALKS WITH US. I BELIEVE WE SHOULD ACCEPT FRYDELUND'S OFFER AND BEGIN ACTIVE PREPARATIONS FOR EARLY DISCUSSIONS OF BROAD ARCTIC ISSUES WITH NORWAY. TALKS WILL PROVIDE US WITH EFFECTIVE MEANS BOTH TO PROBE NORWAY'S LONGER-TERM APPROACH TO ARCTIC AND SVALBARD ISSUES, AND TO MAKE OUR VIEWS KNOWN BEFORE NORWEGIANS MAY FEEL PRESSURED TO MAKE SOME FIRM DECISIONS WHICH COULD ADVERSELY AFFECT OUR INTERESTS. IN THIS BROADER CONTEXT, NORWEGIANS WOULD BE MORE PREPARED TO DISCUSS BORDER DELIMITATION TALKS WITH SOVIETS, WHICH THEY INSIST IS ISSUE OF PURELY BILATERAL NORWEGIAN-SOVIET CONCERN. I WILL LOOK FORWARD TO DISCUSSING POSSIBILITY OF BILATERAL TALKS ON THE ARCTIC WHEN I AM IN WASHINGTON IN EARLY AUGUST. END SUMMARY.

1. JUDGING FROM REPORT CONTAINED REFTEL A, I THINK THE GERMANS ARE OVERLY ALARMED AT THIS STATE ABOUT THE STATUS OF NEGOTIATIONS BETWEEN NORWAY AND USSR ON THEIR CONTINENTAL SHELF BOUNDARY. I SUSPECT FRG EMBASSY HERE, WHICH HAS BEEN COMPLAINING TO US ABOUT INABILITY TO INTEREST BONN IN SVALBARD ISSUE, USED GENSCHER VISIT TO AROUSE INTEREST AND OVER-SOLD BONN ON DANGERS OF NORWEGIAN SELL-OUT--WHICH HAS BEEN PET THEME OF LOCAL FRG EXPERT. WE ARE CONFIDENT WE HAVE MAINTAINED CLOSER CONTACT WITH NORWEGIANS ON ARCTIC QUESTIONS THAN GERMANS AND HAVE REPORTED FULLY ON STATUS OF NEGOTIATIONS TO DEPARTMENT. A FURTHER STATUS REPORT IS CONTAINED IN PARAS 7-12 BELOW.

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2. OBVIOUSLY, THE QUESTION OF CONSULTATION WITH OTHER COUNTRIES ON THESE NEGOTIATIONS IS A DELICATE ONE FOR THE NORWEGIANS, SINCE THEY TAKE THE POSITION THAT THE SHELF ARE IN QUESTION IS NORWEGIAN UNDER THE 1958 CONVENTION ON THE CONTINENTAL SHELF AND THAT IN ANY EVENT, TERMS OF SVALBARD TREATY DO NOT APPLY TO CONTINENTAL SHELF. THUS ANY EFFORT TO CONSULT ON THE NEGOTIATIONS WITH OTHER PARTIES COULD BE REGARDED AS A WEAKENING OF THEIR POSITION

ON THE SHELF ISSUE. WHEN WE AND THE UK RESERVED OUR POSITIONS LATE LAST YEAR ON THE SVALBARD SHELF QUESTION, THE NORWEGIANS RECOGNIZED THEY HAVE AN UPCOMING PROBLEM ON THE SHELF AND POSSIBLY ONE THAT COULD AFFECT THE BOUNDARY NEGOTIATIONS. AT THAT TIME I INDICATED OUR INTEREST IN THE NEGOTIATIONS; OUR NOTE SAID WE RECOGNIZED NORWAY'S RIGHT TO CONDUCT THE NEGOTIATIONS

WITH THE USSR ON DELIMITATION OF THE BARENTS SEA CONTINENTAL SHELF AS WELL AS OUR DESIRE TO SEE NORWAY'S SOVEREIGNTY ON SVALBARD STRENGTHENED. CONSEQUENTLY, THE INITIATIVE FOR TALKS ON THIS SUBJECT SHOULD BEST COME FROM THE NORWEGIANS.

3. FORTUNATELY, THEY NOW APPEAR TO RECOGNIZE THE NEED TO DISCUSS ARCTIC MATTERS WITH THEIR FRIENDS. DURING FOREIGN MINISTER FRYDELUND'S VISIT TO THE UK LAST MONTH HE AND FOREIGN SECRETARY CALLAGHAN AGREED TO ESTABLISH A SMALL BILATERAL GROUP TO REVIEW ARCTIC ISSUES OF MUTUAL INTEREST IN LATE SEPTEMBER OR EARLY OCTOBER THIS YEAR. WE HAVE IMPRESSION FROM DIRECTOR GENERAL FOR POLITICAL AFFAIRS VIBE THAT GROUP WOULD REVIEW BROAD RANGE OF INTERESTS, INCLUDING SECURITY MATTERS. VIBE ALSO ALLUDED TO FRYDELUND'S

DISCUSSION WITH THE SECRETARY ON THIS GENERAL SUBJECT.

4. I ACCORDINGLY QUERIED FRYDENLUND LAST WEEK AND HE TOLD ME THAT WHEN HE MET WITH SECRETARY KISSINGER IN PARIS IN APRIL, HE HAD PROPOSED GENERAL TALKS WITH THE US ON BILATERAL ISSUES, INCLUDING THE ARCTIC. FRYDENLUND SAID HE HOPED TO TAKE UP THIS QUESTION WITH THE SECRETARY WHEN THEY NEXT MEET, WITHER AFTER THE CSCE TALKS OR POSSIBLY AT THE UNGA THIS FALL. SINCE HIS DISCUSSION WITH CALLAGHAN, HOWEVER, FRYDENLUND THINKS THAT IT MIGHT BE A GOOD IDEA TO CONVENE ALSO A GROUP OF US-NORWEGIAN EXPERTS TO DISCUSS COMMON PROBLEMS IN THE ARCTIC.

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5. I BELIEVE THIS IS A VALUABLE AND TIMELY OFFER, AND WE SHOULD TAKE THE NORWEGIANS UP ON IT. IT IS AN EXCELLENT CHANCE FOR US TO ENGAGE THEM IN EXPLORATORY DISCUSSION ON SOME PRESENT AND UPCOMING ARCTIC ISSUES AHEAD OF US, INCLUDING OUR SIMILAR AND DIVERGING VIEWS ON SVALBARD. HIS OFFER TO HOLD DISCUSSIONS SIDESTEPS THE TICKLISH QUESTION OF HOLDING "CONSULTATIONS" ON THE BOUNDARY ISSUE. AN EXCHANGE OF INTERESTS AND VIEWS ON THE SVALBARD SHELF ISSUE WOULD CERTAINLY BE USEFUL NOW, AND IT WOULD CLEARLY HAVE TO TOUCH UPON THE BOUNDARY DELIMITATION NEGOTIATIONS. IN ADDITION, THE TALKS WOULD GIVE US A CHANCE TO REASSURE NORWAY OF OUR SUPPORT OF ITS SOVEREIGNTY ON SVALBARD AND HOPEFULLY COULD LAY A FOUNDATION OF KNOWLEDGE AND UNDERSTANDING WHICH COULD ASSIST BOTH OUR COUNTRIES IN SETTING SOME GUIDELINES AND APPROACHES TO DEALING WITH UPCOMING QUESTIONS IN THE SVALBARD AREA. THE DISCUSSION MUST INCLUDE OUR LEGAL

VIEWS, FOR THERE WE NOW DIFFER. BUT THEY SHOULD GO BEYOND AND CONSIDER SOME OF THE FUNDAMENTAL POLITICAL, ECONOMIC AND SECURITY ISSUES WHICH WILL INFLUENCE OUR ATTITUDES AND POSITIONS ON LEGAL AND OTHER QUESTIONS. POSSIBLE COOPERATION IN SCIENTIFIC AND ENVIRONMENTAL ACTIVITIES COULD BE LATER CONSIDERATIONS.

6. I WISH TO DISCUSS FRYDENLUND'S PROPOSAL WHEN I COME TO WASHINGTON NEXT MONTH WITH A VIEW TO GIVING HIM A REPLY WHEN I RETURN FROM HOME LEAVE. I WOULD THEN LIKE TO BE ABLE TO SAY THAT WE ACCEPT HIS OFFER AND ARE PREPARED TO OPEN INFORMAL EXCHANGES OF INFORMATION AND VIEWS ON AREAS OF MUTUAL INTEREST AND CONCERN IN THE ARCTIC AND PARTICULARLY ON SVALBARD.

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ACTION SS-25

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FM AMEMBASSY OSLO

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C O N F I D E N T I A L SECTION 2 OF 2 OSLO 2824

EXDIS

FROM AMBASSADOR TO HARTMAN

7. AS TO THE STATUS OF THE NORWEGIAN-SOVIET NEGOTIATIONS, DIRECTOR GENERAL FOR LEGAL AFFAIRS IN FOREIGN MINISTRY ELIASSEN TOLD E/C COUNSELOR DURING REVIEW OF STATUS OF SHELF NEGOTIATIONS THAT NEGOTIATIONS WERE NOT EXPECTED TO RESUME IN OSLO AROUND THE MIDDLE OF OCTOBER. ELIASSEN IS CHAIRMAN OF NORWEGIAN NEGOTIATING TEAM. IN TURNING DOWN THE MAY 26 DATE SUGGESTED BY THE NORWEGIANS FOR NEXT NEGOTIATING MEETING, THE SOVIETS AGREED THEY WOULD PICK AN ALTERNATIVE DATE IN THE EARLY FALL.

8. ELIASSEN CONTINUES TO BELIEVE THAT THE LOS CONFERENCE WILL ENLARGE "SPECIAL CIRCUMSTANCES" ALLOWED FOR

DEVIATION FROM THE MEDIAN LINE PRINCIPLE IN DELIMITATION OF CONTINENTAL SHELF BOUNDARIES AND THAT THE SOVIETS WILL STALL FOR TIME ON DELIMITATION -- AT LEAST UNTIL AFTER NEXT SESSION OF LOS CONFERENCE BEGINNING AT END OF MARCH 1976. ACCORDING AT ELIASSEN NORWEGIAN POSITION ON BOUNDARY IS FIRM; NORWAY WILL NOT BUDGE FROM A MEDIAN LINE. ONLY CONCESSION HE SEES IN OCTOBER TALKS WITH SOVIETS MAY BE OFFER BY NORWAY TO REDRAW BASE LINES SLIGHTLY TO MAKE MEDIAN LINE SOMEWHAT MORE FAVORABLE TO SOVIETS.

9. ALTHOUGH SOVIETS DURING INITIAL NEGOTIATING SESSION AT END OF LAST YEAR TABLED NO PROPOSAL ON LOCATION OF BOUNDARY, ELIASSEN SAID

THEY MADE IT CLEAR THAT THEY FAVORED A SECTOR LINE. SOVIET EMBASSY
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BEFORE NEGOTIATIONS STARTED HAD HINTED VAGUELY AT A PACKAGE, INCLUDING (A) DELIMITATION, (B) AN UNDERSTANDING THAT ACTIVITIES ON THE SHELF WOULD NOT INTERFERE WITH SOVIET "INTERESTS", AND (C) COOPERATIVE ARRANGEMENTS FOR OIL EXPLORATION IN THE BARENTS SEA SHELF., BUT SUCH A PACKAGE WAS NOT PRESENTED IN NEGOTIATIONS, AND DETAILS OF PACKAGE WERE NEVER SPELLED OUT. NORWEGIANS HAVE SAID THAT BOUNDARY MUST BE DELIMITED BEFORE DISCUSSION OF ANY OTHER SUBJECTS.

10. ELIASSEN SAID THAT VERY LITTLE HAD HAPPENED SINCE THE INITIAL TALKS LATE LAST YEAR. THE SOVIETS HAVE STILL NOT STATED THEIR POSITION ON LOCATION OF THE BOUNDARY NOR HAVE THEY GIVEN ANY HINT OF THAT POLITICAL QUID THEY MIGHT ACCEPT FOR AGREEING TO A MEDIAN LINE. ELIASSEN AGREED THAT PRIME MINISTER BRATTELI'S SPEECH ON MAY 20 (REFTEL B) WOULD MAKE HIS TASK OF NEGOTIATING MORE DIFFICULT. THE SOVIETS WILL DOUBTLESS TRY TO USE THE SPEECH TO THEIR ADVANTAGE, ELIASSEN SAID, EVEN THOUGH NORWEGIAN GOVERNMENT HAS GONE TO CONSIDERABLE LENGTHS TO DISPELL SOVIET MISCONCEPTIONS THAT SPEECH SINGLED A MORE ACCOMMODATING NORWEGIAN ATTITUDE ON THE BOUNDARY. HE EMPHASIZED THAT NORWEGIAN POSITIONS ON BOUNDARY AND BARENTS SEA HAVE NEVER WAIVERED, DESPITE WHAT HE CHARACTERIZED AS THE PRIME MINISTER'S "UNFORTUNATE SPEECH".

11. ELIASSEN FORESEES LITTLE MOVEMENT IN THE COMING ROUND OF BOUNDARY NEGOTIATIONS WITH SOVIETS. HE BELIEVES THAT EVEN IF US AND/OR NORWAY MOVES IN INTERIM TO ESTABLISH 200 MILE FISHING LIMITS OF ECONOMIC ZONES, SOVIETS WILL BE RELUCTANT TO DELIMIT BARENTS SEA BOUNDARY UNTIL AFTER NEXT LOS CONFERENCE SESSION AND THERE IS WIDE ACCEPTANCE OF DELIMITATION ARTICLES BEING NEGOTIATED THERE. IF NORWAY IS FORCED TO EXTEND UNILATERALLY PRIOR TO NEXT LOS CONFERENCE SESSION, ELIASSEN SAYS, QUESTIONS ARISING OUT OF THIS ACTION CAN BE HANDLED WITH USSR ON BILATERAL, AD HOC BASIS THROUGH FISHING AGREEMENTS, ETC. NEW OR POTENTIALLY CONTROVERSIAL ACTIVITIES IN "GREY" CONTESTED AREAS NEAR

BOUNDARY SUCH AS DRILLING OR SEISMIC ACTIVITY WILL HAVE TO BE HELD IN SUSPENSE PENDING A DELIMITATION AGREEMENT. THIS DOES NOT APPLY, HOWEVER, TO PLANS TO DRILL NORTH OF TROMSO IN BARENTS SEA IN 1977 SINCE THIS IS CLEARLY OUTSIDE ANY POSSIBLE CONTESTED AREAS.

12. EMBASSY BELIEVES NORWEGIAN-SOVIET NEGOTIATIONS WILL PROCEED
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DELIBERATELY UNLESS SOVIETS SHOW INCLINATION TO MOVE BOUNDARY TALKS ALONG MUCH FASTER THAN ANTICIPATED BY ELIASSEN. IT IS UNLIKELY NORWAY WILL EXTEND UNILATERALLY UNLESS OTHER MAJOR COUNTRIES SUCH AS CANADA OR US, BUT NOT ICELAND, DO SO FIRST. NORWAY HAS COOPERATED CLOSELY WITH US ON LOS MATTERS, AND WE SHOULD HAVE ADEQUATE ADVANCE WARNING OF ANY POSSIBLE NORWEGIAN UNILATERAL OR OTHER ACTION. IN ADDITION, ANY SIGNIFICANT CONCESSIONS TO SOVIETS IN EVENT OF UNEXPECTED SOVIET INITIATIVE ON BOUNDARY WOULD REQUIRE PRIOR APPROVAL OF CABINET, AND WE ARE CONFIDENT SUCH APPROVAL WOULD NOT BE GIVEN WITHOUT SOME FORM OF PRIOR CONSULTATION WITH US.

13. WHILE, THEREFORE, WE DO NOT SEE ANY URGENT NEED TO PRESS FOR DISCUSSION OF THE SHELF DELIMITATION NEGOTIATIONS, AND EVEN QUESTION OF APPROPRIATENESS OF SUCH A REQUEST, WE DO BELIEVE WE SHOULD USE THE OPPORTUNITY OFFERED US BY FRYDENLUND TO CONSULT ON THE BROAD RANGE OF QUESTIONS INVOLVING SVALBARD AND THE BARENTS SEA, ARCTIC AREA. NORWEGIAN DECISIONS IN THE FUTURE IN THIS AREA CAN ADVERSELY AFFECT OUR INTERESTS. THERE IS CONSIDERABLE POTENTIAL FOR FRICTION BOTH WITH THE USSR AND NORWAY. THERE IS ALSO CONSIDERABLE POTENTIAL FOR EXPANDING CO-OPERATION IN THIS AREA, IF ISSUES ARE HANDLED SENSITIVELY AND WITH SOME COMMON LONG-TERM PERSPECTIVE OF WHERE WE WISH TO GO. THE TALKS THAT TRYDELUND PROPOSES WOULD ALLOW BOTH SIDES TO SHARE AND DEVELOP THEIR THINKING AND HOPEFULLY AVOID POSSIBLE FUTURE SURPRISES OR CONFLICTS.

14. THIS CABLE WAS CLEARED BY THE AMBASSADOR IN DRAFT BEFORE HIS DEPARTURE.
BUCHANAN

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